

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56103 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- NIMACHANDPURA District- Begusarai

1. SHIVA MAHTO @ SHIVAM S/o Ram Mahto R/o village- Chandpura, Ward No.- 02, P.S.- Nimachandpura, Distt.- Begusarai
2. CHANDAN KUMAR S/o Ram Mahto R/o village- Chandpura, Ward No.- 02, P.S.- Nimachandpura, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 6.120 liters liquor from the bushes near the gas agency.

Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession, it is next



submitted that even the recovery is from a place which is accessible to public at large and they came to be implicated at the instance of nearby people and *chowkidar*; it is further submitted that it appears that the *chowkidar* with a view to save the real culprits falsely implicated the petitioners who are persons with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Nimchandpura P.S. Case No. 75 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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